

AN ACT

ENTITLED, An Act to revise certain provisions relating to the veterans' bonus program, to make an appropriation therefor, and to declare an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 33-17-16 be amended to read as follows:

33-17-16. For the purposes of §§ 33-17-19 to 33-17-36, inclusive, terms mean:

- (1) "Armed forces," the United States Army, Air Force, Coast Guard, Marine Corps, Navy, and their components, including both men and women;
- (2) "Bonus," the benefits provided under §§ 33-17-16 to 33-17-36, inclusive;
- (3) "Commission," the Veterans' Commission created by § 33-16-4;
- (4) "Dependents of deceased veterans," or "dependents," any person standing in relation to a deceased veteran of: surviving spouse, child, mother, father, foster mother or father, regardless of whether or not such person was actually dependent upon said deceased veteran;
- (5) "Director," the director of veterans' affairs appointed pursuant to § 1-46-9;
- (6) "Legal resident," a person who for a period of not less than six months immediately preceding entry into the armed forces of the United States as defined by subdivision (1) was a resident in good faith of the State of South Dakota;
- (7) "Veteran," any person who has received or is eligible to receive the armed forces expeditionary medal, southwest Asia service medal, Kosovo campaign medal, global war on terrorism expeditionary medal, global war on terrorism service medal, or other United States campaign or service medal awarded for participation outside the boundaries of the United States in combat operations against hostile forces for service in the armed forces from January 1, 1993, to a date to be determined by the South Dakota Legislature.

Section 2. That § 33-17-20 be amended to read as follows:

33-17-20. A veterans bonus shall be paid to any veteran, or to the dependents of a deceased veteran, if the veteran was a legal resident of the State of South Dakota for at least six months immediately preceding entry into the armed forces of the United States, if the veteran is still in the armed forces or was separated or discharged from the armed forces honorably or under honorable conditions, and if the veteran either:

- (1) Served for at least thirty days on active duty in the armed forces of the United States and received or is eligible to receive the armed forces expeditionary medal, Kosovo campaign medal, global war on terrorism expeditionary medal, global war on terrorism service medal, or southwest Asia service medal or other United States campaign or service medal awarded for participation outside the boundaries of the United States in combat operations against hostile forces for service in the armed forces from January 1, 1993, to a date to be determined by the South Dakota Legislature; or
- (2) Served for at least thirty days on active duty in the armed forces of the United States, a portion of which shall have been during the period from September 11, 2001, to a date to be determined by the South Dakota Legislature.

The act of performing military duty in the State of South Dakota at an assigned military station does not in itself constitute residency for bonus purposes. However, a veteran who does not meet the South Dakota residency requirements of this section but who would otherwise qualify for a bonus pursuant to this section based on service in a unit of the South Dakota National Guard or a South Dakota-based unit of the armed forces reserve is eligible for the bonus if the veteran is not eligible for a similar benefit from any other state.

Section 3. That § 33-17-22 be amended to read as follows:

33-17-22. Any bonus earned pursuant to § 33-17-20 that is based on qualifying service during

the period September 11, 2001, to a date to be determined by the South Dakota Legislature, shall be paid at the rate of one hundred dollars for the first month and twenty dollars for each subsequent month of active duty in the armed forces during such period, to a maximum bonus of two hundred forty dollars for service in nonhostile area.

Section 4. That § 33-17-37 be amended to read as follows:

33-17-37. Any bonus earned pursuant to § 33-17-20 that is based on qualifying service during the period from September 11, 2001, to a date to be determined by the South Dakota Legislature, shall be paid at the rate of one hundred dollars for the first month and twenty dollars for each subsequent month of active duty in the armed forces during such period, to a maximum bonus of two hundred forty dollars. However, any person who qualifies for a bonus pursuant to § 33-17-20 and who has received or is eligible to receive the southwest Asia service medal, the armed forces expeditionary medal, Kosovo campaign medal, global war on terrorism expeditionary medal, global war on terrorism service medal, or other United States campaign or service medal awarded for participation outside the boundaries of the United States in combat operations against hostile forces for service in the armed forces after January 1, 1993, to a date to be determined by the South Dakota Legislature, for the time served in one or more such areas qualifying for any of the medals listed in this section, be paid one hundred fifty dollars for the first month and fifty dollars for each subsequent month of such service, up to a maximum bonus, together with any payments pursuant to this section for service not qualifying for either medal, of five hundred dollars.

Section 5. That § 33-17-38 be amended to read as follows:

33-17-38. No veteran may receive more than one bonus pursuant to § 33-17-20 for service before January 1, 1993, and no veteran may receive more than one bonus for service after January 1, 1993. However, any veteran who is eligible for a bonus pursuant to § 33-17-20 for service before December 31, 1992, and for service after January 1, 1993, may receive two separate bonuses. No

single bonus may exceed five hundred dollars.

Section 6. That § 33-17-30 be amended to read as follows:

33-17-30. The commission shall promulgate rules pursuant to chapter 1-26 to define and provide for eligibility criteria, administration and method of payment of the bonus created in §§ 33-17-16 to 33-17-36, inclusive.

Section 7. That § 33-17-32 be amended to read as follows:

33-17-32. All claims for compensation under §§ 33-17-16 to 33-17-36, inclusive, shall be presented to the commission on such forms as it may require no later than three years after the date to be determined by the South Dakota Legislature. If approved for payment by the commission, the director shall submit an authorized voucher to the state auditor, who shall issue the warrant for the amount of the approved claim to the person found by the commission to be entitled to the claim.

Section 8. There is hereby appropriated from the general fund the sum of four million two hundred six thousand six hundred seven dollars (\$4,206,607), or so much thereof as may be necessary, to the Department of Military and Veterans Affairs to begin payment of the bonuses authorized in §§ 33-17-16 to 33-17-36, inclusive. Two additional full-time equivalent positions are hereby established within the Department of Military and Veterans Affairs.

Section 9. The director of the Division of Veterans Affairs shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 10. Any amounts appropriated in this Act not lawfully expended or obligated by June 30, 2005, shall revert in accordance with § 4-8-21.

Section 11. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to revise certain provisions relating to the veterans' bonus program, to make an appropriation therefor, and to declare an emergency.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1305

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1305
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State